

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI**

EARL INGELS,	:	Case No. 1:21-cv-561
	:	
Petitioner,	:	Judge Matthew W. McFarland
	:	Magistrate Judge Michael R. Merz
v.	:	
	:	
WARDEN, NORTH CENTRAL	:	
CORRECTION INSTITUTION,	:	
	:	
Respondent.	:	

**ORDER ADOPTING REPORTS AND RECOMMENDATIONS (Doc. 27, 34) AND
TERMINATING CASE**

This action is before the Court on Magistrate Judge Michael Merz's Substituted Report and Recommendation (Doc. 27) and Supplemental Report and Recommendation (Doc. 34). This matter was referred to Magistrate Judge Merz pursuant to 28 U.S.C. § 636(b). In the Substituted Report and Recommendation, Magistrate Judge Merz recommended that the Petition be dismissed with prejudice. (Doc. 27, Pg. ID 1647.) Petitioner then filed Objections to the Substituted Report and Recommendation (Doc. 30). Following this Court's Remmittal Order (Doc. 32), Magistrate Judge Merz considered Petitioner's Objections and filed a Supplemental Report and Recommendation (Doc. 34). In the Supplemental Report and Recommendation, Magistrate Judge Merz adhered to his prior recommendation that the Petition should be dismissed with prejudice. (Doc. 34, Pg. ID 1689.)

Petitioner has not filed objections to the Supplemental Report and

Recommendation and the time to do so has expired. Fed. R. Civ. P. 72(b). As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a de novo review of the record in this case. Upon review, the Court **ADOPTS** the Substituted Report and Recommendation and the Supplemental Report and Recommendation. Thus, the Court **ORDERS** as follows:

- (1) The habeas petition is **DISMISSED WITH PREJUDICE** for the reasons stated in the Reports.
- (2) A certificate of appealability should not issue with respect to any of the claims for relief alleged in the petition, because “jurists of reason” would not disagree that the petition is barred from review on a procedural ground. *Slack v. McDaniel*, 529 U.S. 473, 484–85 (2000).
- (3) The Court **CERTIFIES** pursuant to 28 U.S.C. § 1915(a) that, for the reasons expressed in the Report, an appeal of this Order adopting the Report would not be taken in good faith, and therefore **DENIES** plaintiff leave to appeal *in forma pauperis*. See *McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997), *overruled on other grounds*, *Jones v. Bock*, 549 U.S. 199, 203 (2007). Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals. *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).
- (4) This matter is **TERMINATED** from the Court’s docket.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND